

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM BARLOW,)	
)	
Petitioner,)	
)	
v.)	No. 4:08-CV-1491 CAS
)	
ALAN BLAKE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion for reconsideration of the pre-service Order of Dismissal, as well as petitioner's motion to proceed in forma pauperis.

On November 19, 2008, the Court dismissed petitioner's case because mail to petitioner had been returned. Thus, it appeared that petitioner had failed to provide the Court with a new address. As petitioner points out in his motion for reconsideration, the mail was returned due to the Court's commission of a clerical error. As such, the Court will reinstate petitioner's case. For the reasons outlined below, however, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner, a resident of the Missouri Sexual Offender Treatment Center in Farmington, Missouri, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Although petitioner is committed in the Eastern District of Missouri, the proceedings resulting in his civil commitment arose in Jackson County, which is located in the Western District of Missouri.

The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the petition. See 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the

petition to the Western District “in furtherance of justice . . .” Id. Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. See In re Business of the Court, Jan. 27, 1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

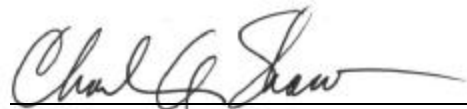
Accordingly,

IT IS HEREBY ORDERED that petitioner’s motion for reconsideration of the pre-service dismissal of this action is **GRANTED**. [Doc. 5]

IT IS FURTHER ORDERED that the November 19, 2008 Order of Dismissal is **VACATED**.

IT IS FURTHER ORDERED that petitioner’s motion to proceed in forma pauperis is provisionally granted, subject to modification by the United States District Court for the Western District of Missouri. [Doc. 2]

IT IS FURTHER ORDERED that the Clerk of the Court shall transfer this case to the United States District Court for the Western District of Missouri. See 28 U.S.C. § 2241(d).


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 11th day of December, 2008.